

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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SHAUNA NOEL and EMMANUELLA SENAT,

Plaintiffs,

-against-

15-CV-5236 (LTS) (KHP)

CITY OF NEW YORK,

Defendant.
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**LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW MOTION FOR
LEAVE TO FILE *AMICUS CURIAE* BRIEF IN SUPPORT OF
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

The Lawyers' Committee for Civil Rights Under Law (the "Lawyers' Committee") respectfully moves for leave to file the accompanying amicus brief in support of Shauna Noel and Emmanuella Senat's ("Plaintiffs") Motion for Summary Judgment. Plaintiffs consent to the filing of the brief.¹

At the request of President John F. Kennedy, the Lawyers' Committee was founded in 1963 with the goal of marshalling the private bar's resources and leadership to combat racial discrimination and the resulting inequality of opportunity. Housing discrimination was, and remains, one of the most pernicious forms of discrimination: it is animated by animus toward our society's most marginalized groups and limits their access to a most basic human need. For more than half a century, the Lawyers' Committee has played a pivotal role in combatting housing discrimination in all its forms, and in particular has worked to shape the disparate impact standard—which has become central to combatting housing discrimination.

¹ Amicus attempted to obtain consent from Defendants to file, sending an email to Melanie Sadok, Counsel for the City of New York, on December 1, 2020. As of filing, no response has been received.

It is for this reason that the Lawyers' Committee takes interest in the above-named matter. In this case, Defendant advances a number of arguments which, if accepted, would threaten disparate impact liability and undermine the efficacy of the Fair Housing Act ("FHA"). Defendant baselessly alters existing standards, proffers nonsensical justifications for its policy, and seeks to manipulate statistical analysis to support its conclusion—all of which would enable bad actors to avoid liability in future cases if they were adopted. It is also one of the first cases to implicate the United States Department of Housing and Urban Development's ("HUD") new disparate impact rule ("2020 HUD Rule"), which was promulgated in September 2020. *See* 85 Fed. Reg. 60, 288 (Sept. 24, 2020) (to be codified at 24 C.F.R. pt. 100), the interpretation of which may have far-reaching ramifications.

The Lawyers' Committee sees this case as an opportunity to rebuff any attempts to undermine disparate impact liability, thereby ensuring that the FHA remains a vital tool for fostering inclusive communities for years to come. The Lawyers' Committee believes that the amicus curiae brief will be helpful in the Court's consideration of: 1) whether the Defendant's policy has a disparate impact and effect on Plaintiffs within the meaning of the FHA; 2) whether the 2020 HUD Rule should be relied upon by the Court; and 3) why the City's arguments, if accepted, would undermine disparate impact liability's ability to combat discrimination.

For these reasons, the Lawyers' Committee respectfully requests leave to file an amicus brief to address these issues, in support of Plaintiffs' position.

Dated: December 7, 2020

/s/ Daniel I. Wolf

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CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of December 2020, a true and correct copy of the foregoing was filed with the Clerk of the United States District Court for the Southern District of New York via the Court's CM/ECF system, which will send notice of such filing to all counsel of record who are registered CM/ECF users.

Dated: December 7, 2020

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